# REMARKS

By the foregoing Amendment, Claims 10, 13 and 14 are amended and Claims 1-9, 11 and 12 are cancelled. Entry of the Amendment, and favorable consideration thereof, is earnestly requested. Claims 10 and 13-16 are currently pending.

Claims 11 and 12 were objected to as containing informalities. Several of the limitations of Claim 11 have been incorporated into Claim 10, and Claims 11 and 12 have been cancelled.

Claim 13 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 13 has been amended in a manner which Applicant believes obviates this rejection.

Claims 10-16 were rejected under 35 U.S.C. 102(b) as being anticipated by Short (U.S. Patent No. 6,356,940). Applicant respectfully requests that this rejection be reconsidered in view of the above Amendments and the below Remarks.

The present invention is directed to a recipe evaluating system which facilitates weight loss for persons following certain types of weight control programs. One specific example of such a weight control program in connection with which the present invention may be employed is the POINTS® based program employed by Weight Watchers International, Inc., one of the assignees of the present application.

In the POINTS® based program, rather than tracking any one or more traditional nutritional parameters (such as calories, vitamins, minerals, protein, carbohydrates, fat, etc.), participants in the program track their food intake using "points", which are a composite nutritional indicator taking into account multiple nutritional parameters of food items. Various food items in various amounts have associated therewith particular "points" values, and participants in the program have a target "points" total for a given time period. The "points" values for various amounts of food items can be found in tables, in databases, on the packaging for food items themselves, or by calculating the values using a formula based upon nutritional parameters, etc.

In some cases, such as in the case of popular restaurants and pre-packaged meals, entire food items (such as sandwiches) or even entire meals may have a known "points" value associated therewith, so that program

participants may easily track their food intake for such items. However, when a

program participant is making his/her own recipes, there may not be a pre-

determined "points" value readily available to the participant. Instead, the

participant would be required to individually locate or calculate the "points" value

associated with each recipe ingredient, adjust the "points" value based upon the

amount of the ingredient used in the recipe, add the "points" values together for all

recipe ingredients for a total, and then divide the total "points" value by the number

of servings. Obviously, this can be a cumbersome process if performed manually,

particularly for recipes that contain numerous ingredients.

The present invention greatly facilitates this process by merely allowing a

user to input the recipe ingredients and associated amounts, and then outputting a

single, composite nutritional indicator (i.e., a "points" value) for each serving of the

recipe.

Applicant respectfully submits that Short does not disclose, teach or

suggest such a system in any way. Short is concerned only with summing the

various traditional nutritional parameters for multiple items in a recipe, **not** with

taking plural nutritional parameters for each ingredient and outputting a single,

composite nutritional indicator for a serving of a multiple ingredient recipe based

on the plural nutritional parameters for each ingredient. See, for example, column

6, lines 7-16 of Short, wherein it is stated:

> A second step 320 includes retrieving the nutritional composition of the food item from the nutrition database 270. <u>The nutritional composition can include calories, vitamins, minerals, protein, carbohydrates and fat of the food item</u>. Other nutritional components of the food items can also be included within the nutrition database 270.

> A third step 330 includes <u>summing the nutritional components of the food item with the corresponding nutritional components of previously identified food items</u> of the remote user's diet.

(emphasis added).


Thus, Short merely sums the nutritional components of the food items, and

outputs a total for each nutritional component. The user of the system would still

be required to manually perform additional calculations to arrive at a single,

composite nutritional indicator (i.e., a "points" value) for each serving.


Claim 1 has been amended to highlight this distinction between the claimed

invention and the Short reference. More specifically, Claim 1 has been amended

to highlight the fact that the inventive system calculates a <u>single, composite</u>

nutritional indicator for a serving of a recipe from user supplied information and

<u>plural nutritional parameters for each ingredient</u>. Short does not even hint at such

a system.

For the foregoing reasons, Applicant respectfully submits that all pending

claims, namely Claims 10 and 13-16, are patentable over the references of record,

and earnestly solicits allowance of the same.

Respectfully submitted,

March 25, 2009 _____/Wesley W. Whitmyer, Jr./_____
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